



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING November 17, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and Redevelopment Agency to order at 2:02 p.m. (The Finance Committee met at 1:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Roger L. Horton, Grant House, Das Williams, Mayor Blum.

Councilmembers absent: Dale Francisco, Helene Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Presentation Acknowledging Mick Kronman As Harbor Master Of The Year 2009 (120.04)

Action: The California Association of Harbor Masters & Port Captains' Harbor Master of the Year Award was presented to City of Santa Barbara Harbor Operations Manager Mick Kronman by Eric Endersby.

PUBLIC COMMENT

Speakers: Fred Kuhlmann, Hans Kistner.

CONSENT CALENDAR (Item Nos. 2 – 7 and 10)

The title of the resolution related to Item No. 3 was read.

Motion:

Councilmembers Horton/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmembers Francisco, Schneider).

2. Subject: Fiscal Year 2010 First Quarter Interim Financial Statements (250.02)

Recommendation: That Council:

- A. Receive a report from staff on the status of revenues and expenditures, in relation to budget, as of September 30, 2009; and
- B. Accept the Fiscal Year 2010 Interim Financial Statements for the Three Months Ended September 30, 2009.

Action: Approved the recommendations (November 17, 2009, report from the Interim Finance Director).

3. Subject: State Revolving Fund Loan Of Up to \$29.9 Million For William B. Cater Water Treatment Plant And Ortega Groundwater Treatment Plant Projects (540.10)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing a Notice of Application Acceptance for a Safe Drinking Water State Revolving Fund (SDWSRF) Loan, and Authorizing Officers to Act on Behalf of the City.

Action: Approved the recommendation; Resolution No. 09-090 (November 17, 2009, report from the Public Works Director; proposed resolution).

4. Subject: Contract For Design Of The Ortega Groundwater Treatment Plant Rehabilitation Project (540.10)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a professional services agreement with Carollo Engineers, Inc. (Carollo), in an amount not to exceed \$708,000, for final design of the Ortega Groundwater Treatment Plant (OGTP) Rehabilitation Project (Project); and
- B. Authorize the Public Works Director to approve extra services for Carollo that may result from necessary changes in the scope of work for a total amount not to exceed \$70,000.

(Cont'd)

4. (Cont'd)

Action: Approved the recommendations; Agreement No. 23,239 (November 17, 2009, report from the Public Works Director).

5. Subject: Rental Agreement For The Gibraltar Dam Caretaker Residence (540.09)

Recommendation: That Council authorize the Public Works Water Resources Manager to execute a Caretaker Rental Agreement for the Gibraltar Reservoir and Dam residence with Frank Dealy, through the term of his employment as the Dam Caretaker for this location.

Speakers:

Staff: Water System Manager Cathy Taylor.

Action: Approved the recommendation; Agreement No. 23,240 (November 17, 2009, report from the Public Works Director).

6. Subject: Approval Of Map And Execution Of Agreements For 561 West Mountain Drive (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,775 for a subdivision at 561 West Mountain Drive (finding the Parcel Map in conformance with the state Subdivision Map Act, the City's Subdivision Ordinance, and the tentative subdivision map) and other standard agreements relating to the approved subdivision.

Action: Approved the recommendation; Agreement No. 23,241 (November 17, 2009, report from the Public Works Director).

7. Subject: Capital Improvement Projects: First Quarter Report For Fiscal Year 2010 (230.01)

Recommendation: That Council receive, for information only, a report on the City's Capital Improvement Projects (CIP) for the First Quarter of Fiscal Year 2010.

Action: Approved the recommendation (November 17, 2009, report from the Public Works Director).

Item Nos. 8 and 9 appear in the Redevelopment Agency minutes.

NOTICES

10. The City Clerk has on Thursday, November 12, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met to review Interim Financial Statements for the three months ended September 30, 2009, for both the City and the Redevelopment Agency; both sets of statements were approved by the Council and Agency as part of this Agenda's Consent Calendar (Item Nos. 2 and 9, respectively).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

11. Subject: Intent To Participate In AB 811 Central Coast Energy Independence (630.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Participate in the Central Coast Energy Independence Program, Which Will Allow City Property Owners to be Included in a County Assessment District that Provides Financing for Private Energy Efficiency and Renewable Energy Projects on a Voluntary Basis.

Documents:

- November 17, 2009, report from the City Administrator.
- Proposed Resolution.
- PowerPoint presentation prepared and made by County of Santa Barbara Staff.

The title of the resolution was read.

Speakers:

- Staff: Assistant to the City Administrator Nina Johnson.
- County of Santa Barbara: Housing and Community Development Director David Matson.

(Cont'd)

11. (Cont'd)

Motion:

Councilmembers House/Horton to approve the recommendation;
Resolution No. 09-091.

Vote:

Unanimous roll call vote (Absent: Councilmembers Francisco, Schneider).

City Administrator James Armstrong left the meeting at 2:37 p.m.; Assistant City Administrator Joan Kent took his place.

PUBLIC HEARINGS

12. Subject: Appeal Of Planning Commission Approval For 226 And 232 Eucalyptus Hill Drive (640.07)

Recommendation: That Council deny the appeal filed by neighbors, June Sochel, Tony and Caroline Vassallo and Ernie Salomon and uphold the Planning Commission approval of the application of Brent Daniels, agent for Cynthia Howard, for the proposed Lot Line Adjustment, Street Frontage Modifications and Performance Standard Permits to create four new homes and associated improvements.

Documents:

- November 17, 2009, report from the Community Development Director.
- Revised Conditions of Approval dated November 17, 2009, submitted by Staff.
- June 18, 2009, Planning Commission Staff Report.
- August 20, 2009, Staff memorandum to the Planning Commission.
- Final Mitigated Negative Declaration for the project.
- PowerPoint presentation prepared and made by Staff.
- Affidavit of Publication.
- November 10, 2009, letters from June Sochel, Caroline Vassallo.
- November 12, 2009, letter from Tony Vassallo.
- November 14, 2009, letters from Lewis Bloom, Clay Tedeschi.

Public Comment Opened:
2:38 p.m.

Speakers:

- Staff: Associate Planner Kathleen Kennedy, City Planner Bettie Weiss.
- Planning Commission: Commissioner Bruce Bartlett.
- Appellant: June Sochel, Ernie Salomon, Chris Flynn, Caroline Vassallo, Tony Vassallo.

Recess: 3:33 p.m. - 3:39 p.m.

12. (Cont'd)

Speakers (Cont'd):

- Staff: City Attorney Stephen Wiley.
- Applicant: Brent Daniels, Attorney Kathleen Weinheimer.
- Members of the Public: John Manning, Dr. Pierre Nizet, Donna Salomon, Clay Tedeschi, Connor Kennedy.

Public Comment Closed:

4:42 p.m.

Motion:

Councilmembers House/Horton to approve the recommendation and direct Staff to return with a resolution documenting the Council's decision and including the appropriate findings.

Vote:

Majority voice vote (Noes: Mayor Blum; Absent: Councilmembers Francisco, Schneider).

RECESS

5:11 p.m. - 6:06 p.m.

Mayor Blum presiding.

Councilmembers present: Falcone, Francisco, Horton, House, Williams, Mayor Blum.

Councilmembers absent: Schneider.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Tschech.

MAYOR AND COUNCIL REPORTS

13. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups at 6:00 p.m.; and
- B. Continue interviews of applicants to November 24, 2009, at 4:00 p.m.

Documents:

November 17, 2009, report from the Administrative Services Director.

Speakers:

The following applicants were interviewed:
Access Advisory Committee:
Ken McLellan

(Cont'd)

13. (Cont'd)

Speakers (Cont'd)

Architectural Board of Review:

Gary Mosel

Arts Advisory Committee:

Roman Baratiak

Fire and Police Commission:

Bill Medel

Jennifer Christensen

Franklin Center Advisory Committee:

Sharon Byrne

Harbor Commission:

Eric Friedman

Jim Sloan

Historic Landmarks Commission:

Tom Ochsner

Lower Westside Center Advisory Committee:

Paul Contreras

Rental Housing Mediation Task Force:

Daniel Herlinger

By consensus, interviews will be continued on November 24, 2009, at 4:00 p.m.

14. Subject: Request From Councilmembers Falcone And Francisco Regarding Medical Marijuana (520.04)

Recommendation: That Council consider the request from Councilmembers Falcone and Francisco to reconsider its policy concerning medical marijuana, consider alternative models for meeting the needs of patients, and provide direction to the Ordinance Committee as appropriate.

Documents:

- November 17, 2009, report from the Assistant City Administrator.
- November 17, 2009, e-mail from Senior Planner Danny Kato.
- November 12, 2009, letter from David Hughes, et al.
- November 14, 2009, letter from Mark Huston.
- November 14, 2009, e-mail from Lela Schaffner.
- November 17, 2009, letter from the Santa Barbara Association of Realtors.
- November 17, 2009, e-mails from Alena Kitson, Patrick Fourmy, Joan Livingston, Don Duncan.
- Undated letter from Rick Lee.

(Cont'd)

14. (Cont'd)

Speakers:

- Staff: City Attorney Stephen Wiley, Police Captain Armando Martel, Senior Planner Danny Kato.
- Members of the Public: B. Nelson; Kathleen Goo; David Hughes; Mark Orosco; James Lee; Ross Payson; Tamara Erickson; Thomas Byrne; Geoff Roland; Alena Kitson; Rick Lee; Scott Hickman; Joanna La Force; Stanley Boydston; Rolf Geyling, Santa Barbara Rescue Mission; Brock and Maria Dumont; Nathaniel Reinke; Andrew Boehm; Patrick Fourmy; Robert Fedor; Tom Thomas, Fighting Back; Patric Weddle; Bonnie Raisin; Hans Edwards; Janet Rowse; Randy Rowse; Brian Sarvis, Santa Barbara School Districts; Tony Vassallo; Sharon Byrne; Wendy Kaysino; Carlos Martinez; Jeff Bermant; John Wrench; Jen Lemberger, Fighting Back; Shereen Khatapoush, Council on Alcoholism and Drug Abuse; Denny Wayman; Denice Fellows; Bob Hansen; David Bearman, M.D.; Derek Westen; Ben Romo, Santa Barbara County Education Office; Nancy McCradie.

Motion:

Councilmembers Falcone/Francisco to place on a Council agenda, before the end of 2009, the consideration of a moratorium on the opening of new medical marijuana dispensaries such that the operation of any dispensary without an approval as of November 17, 2009, will be suspended.

Vote:

Majority voice vote (Noes: Councilmember House; Absent: Councilmember Schneider).

Motion:

Councilmembers Francisco/Williams to direct the Ordinance Committee to propose amendments to Santa Barbara Municipal Code Chapter 28.80 which would change the model for distributing medical marijuana from a dispensary to a collective which meets the Attorney General's guidelines.

Vote:

Unanimous voice vote (Absent: Councilmember Schneider).

ADJOURNMENT

Mayor Blum adjourned the meeting at 9:47 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST:
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK